

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

BANK OF THE OZARKS

PETITIONER

VS.

NO. 4:08CV00334

**HOUSING AUTHORITY OF THE CITY
OF LITTLE ROCK, ARKANSAS;
NEIGHBORHOOD BUILDERS, INC.
(Formerly Little Rock Housing
Redevelopment, Inc.); and
MADISON HEIGHTS II, L.P.**

RESPONDENTS

NEIGHBORHOOD BUILDERS, INC.

CROSS PLAINTIFF

VS.

**HOUSING AUTHORITY OF THE
CITY OF LITTLE ROCK, and
MADISON HEIGHTS II, L.P.**

CROSS DEFENDANTS

**HOUSING AUTHORITY OF THE
CITY OF LITTLE ROCK, ARKANSAS**

CROSS PLAINTIFF

VS.

NEIGHBORHOOD BUILDERS, INC.

CROSS DEFENDANT

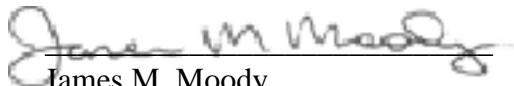
ORDER

Pending is Respondent/Cross-Defendant Madison Heights II, L.P.'s ("Madison Heights II") Motion to Dismiss Petitioner Bank of the Ozarks' (the "Bank") Petition for Interpleader and Respondent/Cross-Plaintiff Neighborhood Builders, Inc. f/k/a Little Rock Housing Redevelopment, Inc's ("NBI") Cross-Claim as to other Respondents. (Docket # 33). No objections have been filed.

Accordingly, for good cause shown, the motion is GRANTED. The claims against

Madison Heights II are hereby dismissed with prejudice. Inasmuch as Madison Heights II's discharge of any claim in ownership or interest is limited solely to the \$52,776 amount deposited into the registry of the First Division Circuit Court of Pulaski County, Arkansas, which amount was previously held in escrow by the Bank pursuant to the Madison Heights, Phase II Affiliate Reserve Escrow Agreement dated November 6, 2000 (the "Escrow"), Madison Heights II has not waived any other rights, interests, positions, claims or defenses, whether known or unknown, which it had, has or may have, with respect to any other amounts ever held in the Escrow, whether pursuant to contract, the Escrow or applicable law.

IT IS SO ORDERED this 16th day of June, 2008.



James M. Moody
United States District Judge